

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ELISAH SKATES DIN# 12A051
PLAINTIFF

COMPLAINT

UNDER THE CIVIL RIGHTS ACT

42 U.S.C. § 1983

[PRISONER COMPLAINT]

"JURY TRIAL IS DEMAND"

- ✓
1. CAPTAIN WILLIAMS # 820
 2. CORRECTION OFFICER LEWIS # 10536
 3. CORRECTION OFFICER OTHMAN # 18683
 4. CORRECTION OFFICER SCOTT # UNKNOWN
 5. PROBE TEAM [JOHN DOE'S]
 6. CORRECTION DEPT. [JOHN DOE]
 7. CORRECTION WARDEN OF A.M.K.C. [JOHN DOE]

[ALL DEFENDANTS ARE BEING SUED IN THEIR INDIVIDUALLY
AND IN THEIR FULL OFFICIAL CAPACITIES]

JUL 25 2014

EX PRO SE OFFER

I. COMPLAINT

1. PLAINTIFF, ELISAH SKATES, IS PRO-SE AT THIS TIME IN ~~THE~~ THIS COMPLAINT STATE AS FOLLOWS:

II. JURISDICTION AND PARTIES

2. PLAINTIFF ELISAH SKATES, WAS CONFINED IN THE N.Y.C. JAIL LOCATED AT: RIKERS ISLAND C/F ANNA M. CROSS CENTER [A.M.K.C OR C-95], 18-18 HAZEN STREET EAST ELMHURST NY 11370, FROM SEPTEMBER 15TH 2010 TO FEBRUARY 03, 2012. PLAINTIFF IS CURRENTLY CONFINED AT: GREAT MEADOW C/F BOX 51, CONISTOCK NY 12821-0051.

3. PLAINTIFF ELISAH SKATES IS AND WAS AT ALL TIMES MENTIONED HEREIN AN ADULT CITIZEN OF THE U.S. AND A RESIDENT OF THE STATE OF N.Y.

4. DEFENDENT, WILLIAMS #820, IS EMPLOYED AS A CORRECTION COUPAIN AT ANNA M. KROSS CENTER OF Rikers ISLAND C/F
5. DEFENDENT, LEWIS #10536, IS EMPLOYED AS A CORRECTION OFFICER AT ANNA M KROSS CENTER OF RIKERS ISLAND C/F
6. DEFENDENT, BTHMAN #18683, IS EMPLOYED AS A CORRECTION OFFICER AT ANNA M. KROSS CENTER OF RIKERS ISLAND C/F
7. DEFENDENT, SCOTT # UNKNOWN, IS EMPLOYED AS A CORRECTION OFFICER AT ANNA M. KROSS CENTER OF RIKERS ISLAND C/F
8. DEFENDENTS, [JOHN DOE'S] - PROBE TEAM, IS EMPLOYED AS CORRECTION OFFICIALS AT ANNA M. KROSS CENTER OF RIKERS ISLAND C/F
9. DEFENDENT, [JOHN DOE] - DISCIPLINARY Hb, IS EMPLOYED AS CORRECTION OFFICER AT ANNA M. KROSS CENTER OF RIKERS ISLAND C/F
10. DEFENDENT, [JOHN DOE], IS EMPLOYED AS CORRECTION DEPT AT ANNA M. KROSS CENTER OF RIKERS ISLAND C/F
11. DEFENDENT [JOHN DOE] IS EMPLOYED AS CORRECTION WARDEN OF ANNA M. KROSS CENTER OF RIKERS ISLAND C/F AT TIMES OF EVENTS
12. THIS ACTION ARISES UNDER AND IS BROUGHT PURSUANT TO 42 U.S.C SECTION 1983 TO REMEDY THE DEPRIVATION, UNDER COLOR OF ~~STATE LAW~~, STATE LAW, OF RIGHTS GUARANTEED BY THE 8TH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION. THIS COURT HAS JURISDICTION OVER THIS ACTION PURSUANT TO 28 U.S.C §1331

13. PLAINTIFF CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTIONS 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

14. THIS CAUSE OF ACTION AROSE IN THE SOUTHERN DISTRICT OF NEW YORK. THEREFORE, VENUE IS PROPER UNDER 28 U.S.C. SECTION 1391(B).

III. PREVIOUS LAWSUITS BY PLAINTIFF

15. PLAINTIFF HAS FILED NO OTHER LAWSUITS DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO HIS IMPRISONMENT.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. I USED THE INMATE GRIEVANCE PROCEDURE IN THIS INSTITUTION AT EVENT TO TRY TO SOLVE MY PROBLEM ON/EXCT 3RD, 2011. I PRESENTED THE FACTS RELATING TO MY COMPLAINT IN THE NYC INMATE GRIEVANCE PROCEDURE.

17. AS STATED, I WAS ASSAULTED BY CORRECTION CAPT. WILLIAMS #820, AND C/O'S LEWIS #10536 AND OTHMAN #18083 AS WELL AS BY UNKNOWN CORRECTIONAL OFFICER PROBE TEAM.

V. STATEMENT OF CLAIM

18. AT ALL RELEVANT TIMES HEREIN, DEFENDANTS WERE "PERSONS" FOR PURPOSES OF 42 USC SECTION 1983 AND ACTED UNDER COLOR OF LAW TO DEPRIVE PLAINTIFF OF ~~THEIR~~ HIS CONSTITUTIONAL RIGHTS, AS SET FORTH MORE FULLY BELOW.

D. Facts: PLEASE SEE ATT PGS

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

PLEASE SEE ATT PGS

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

- 16 A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
- Yes ☒ No ☐

- 19 If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). Rikers Island C/F A.M.K.C. Pen #3

- 20 B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

- 21 C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)? _____

- 22 D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

- 23 E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

AT A.M.K.C

- 24 1. Which claim(s) in this complaint did you grieve? THE BATTERY (ROSENWID)

- 25 2. What was the result, if any? (SEE ATT)

- 26 3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

I Appeal to NISC, CORC, BUT I WAS
SENT TO A STATE PRISON THREE AFTER

- 27 F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: N/A

- 28 2. If you did not file a grievance but informed any officials of your claim, state who you informed, _____

when and how, and their response, if any: N/A

29 G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I ALSO SPOKE WITH SOMEONE FROM I.G. WITHIN NYC, THEY TOOK INFORMATION AND PICTURES OF ME

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

30 V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). (PLEASE SEE ATT.)

31 VI. Previous lawsuits:

On
these
claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

32 B.

If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

N/A

Defendants

N/A

2. Court (if federal court, name the district; if state court, name the county)

N/A

3. Docket or Index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

23

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ___ No ☒

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

N/A

Defendants

2. Court (if federal court, name the district; if state court, name the county)

3. Docket or Index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

VI. STATEMENT OF FACTS

³⁴ ON AUG 02ND, 2011, PLAINTIFF WAS HOSPITALIZED AFTER BEING A VICTIM OF A BEATINGS AND ASSAULT ATTACK BY DEFENDENTS [WILLIAMS] [LEWIS] [OTHMAN] [SCOTT] [PROBE TEAM] AND [DEPT. JOHN DOE] WHILE BEING HELD AS A PRE TRIAL DETAINEE AT Rikers Island C/F

³⁵ 30. ON AUG 02ND, 2011 ALL NAMED DEFENDENT IN LINE (19) CAME INTO MODULAR 12 (A) SIDE (OR MOD 12 (A)) AND REQUESTED THAT I AND TWO OTHER DETAINEE'S PLACE ~~THE~~ OUR HANDS ON OUR BACK TO BE CUFF

³⁶ 31. PLAINTIFF WATCH OFFICER AT THE TIME [JOHN DOE] ASKED [WILLIAMS] WERE AND WHY HER WATCH IS BEING TAKING OUT THE AREA. [WILLIAMS] HAD NO ANSWER TO HER QUESTION, SO I DID NOT FOLLOW HIS ORDER.

³⁷ 32. THEREAFTER A FEMALE CAPTAIN (JOHN DOE) CAME TO ME AND ESCORTED ME ME OUT SIDE OF [MOD 12 (A)], AND TOLD ME THAT THEY WAS SENT HERE TO HANDLE A PROBLEM, AND I CANT GO TO INTAKE WITHOUT BEING CUFF PLAINTIFF ASKED IF HE WAS THE "PROBLEM", [JOHN DOE] STATED [WILLIAMS] PICKED YOU.

³⁸ 33. PLAINTIFF ALLOWED [CAPT JOHN DOE] TO PLACE HER CUFF ON HIM, THEN [WILLIAMS] AND [THE OTHER DEFENDENTS (LINE 19)] CAME OUT OF [MOD-12] WITH THE OTHER TWO DETAINEES IN HANDCUFF. THEN [WILLIAMS] CAME TO PLAINTIFF AND PLACED PLASTIC HANDCUFF AND TOOK OFF THE OTHER CUFF. [WILLIAMS] HAD PLACED THESE CUFF VERY TIGHT AND PLAINTIFF MADE [WILLIAMS] ~~BEFORE~~ AWARE OF THIS AND THERE WAS NO CHANGE

³⁹
~~34~~. AS NAMED DEFENDANTS IN (LINE 13) WAS ESCORTING PLAINTIFF AND THE OTHER TWO DETAINEES AT THE TIMES OF EVENTS, WE ALL WAS STOPPED BY [DEPT. JOHN DOE] WHO ADDRESS ME, SPEAKING VERY BELLIGERENT BOISTEROUS TOWARDS ME [AND MY MENTAL STATE, RACE] THEN STATED "YOU BETTER HOPE YOU END UP AND MAKE IT TO THE HOSPITAL TO NIGHT"

⁴⁰
~~35~~. THEREAFTER LEAVING [DEPT JOHN DOE] IN FRONT OF THE "LAW LIBRARY" AREA WE ALL REACH THE MAIN INTAKE AREA OF [A.M.K.C.], WHERE WE ALL MET [SCOTT] WHO HAD MAIN INTAKE POST AT THE TIME OF EVENTS, HAD OPEN DEN'S [EIGHT] SHOWER ROOM AS REQUESTED BY [WILLIAMS]

⁴¹
~~36~~. DEFENDANTS [WILLIAMS] [LEWIS] ~~AND~~ [SCOTT] AND [ONTUANI] HAD FORGED PLAINTIFF INSIDE OF DEN'S THEN MERCILESSLY BEAT PLAINTIFF.

⁴²
~~37~~. DEFENDANTS [PROBE TEAM] HAD THEN FORGED THE TWO OTHER DETAINEES INSIDE OF DEN'S ~~THEY~~ WERE [WILLIAMS] HAD THE REQUEST THEY WATCH PLAINTIFF GET BEATING AGAIN.

⁴³
~~38~~. THEREAFTER ALL DEFENDANTS IN THE ABOVE TWO LINES HAD MERCILESSLY BEATEN PLAINTIFF AGAIN AND THE DETAINEES AT THE SAME TIME

⁴⁴
~~39~~. ABOVE DEFENDANTS HAD BRUTALLY ATTACK PLAINTIFF WITH CLOSED FIST OPEN HANDS, BOOTS, THEY SLAMED PLAINTIFF FROM WALL TO WALL AND DRAG HIM AROUND THE FLOOR, THEY USED WEAPONS SUCH AS PROBE TEAM GEAR AND THEIR WALKIE TALKIES

⁴⁵
~~30~~. AS A RESULT OF THE HORRIBLE EXPERIENCES, PLAINTIFF
 SUFFERED "BROKEN NOSE, DEEP LACERATION TO LEFT AND RIGHT
 WRIST FROM HAND COFF [STILL VISIBLE], TWO SWOLLEN BLACK EYES,
 TWO DEEP LACERATION TO EYE BROW THAT REQUIRED (6) STITCHES,
 HEAD TRUNK - INJURIES TO BOTH EAR DRUMS TO THE POINT THAT
 PLAINTIFF IS NOW WEARING ~~THE~~ TWO HEARING AIDS, INJURY TO BACK,
 NECK, RIBS COAGE, RIGHT LEG, AND KNEE, CHEST AREA AND LOWER AREA
 [RE - INJURY TO HERNIA] NEW ENGLAND VARIKOCELE TO RIGHT TESTIS

⁴⁶
~~31~~. AFTER DEFENDANTS HAD FINISHED THEIR ATTACK THEY HAD LEFT PLAINTIFF
 INSIDE OF DEN'S UNCONSCIOUS, AND BLEEDING HAVING A ASTHMA ATTACK
 UNKNOWING TO ME [TOLD BY WITNESS]

⁴⁷
~~32~~. AS TOLD BY ~~THE~~ THE VICTIMS [AS WELL AS WITNESS] THEY WERE BANGING
 ON PEN'S CELL DOOR WHEN A FEMALE DEPT [JOHN DOE] HEARD AND REQUEST
 [SCOTT] TO OPEN DEN'S. THEREAFTER MEDICAL STAFF WAS CALLED
 AND I WAS TAKEN TO THE HOSPITAL BY EMS AFTER BEING ABUSED.

⁴⁸
~~33~~. DEFENDANTS #1, #2, #3, #4, #5 DELAY, IGNORED AND INTERFERED WITH
 ACCESS TO TREATMENT [BY REFUSING] TO PROVIDE AND TREAT THE KNOWN
 SERIOUS HEALTH CONDITIONS THEY PUT PLAINTIFF IN.

⁴⁹
~~34~~. DEFENDANTS #5 (JOHN DOE'S) FAILED TO PROTECT PLAINTIFF FROM THEIR
 CO-WORKER'S ASSAULTS AND BATTERY AS THEY HAVE A DUTY TO DO SUCH

⁵⁰
~~35~~. DEFENDANT #1 TO #5 AND #6 ~~SHOULD~~ SHOWED DISCRIMINATION ON THE BASIS OF
 PLAINTIFF DISABILITIES [MENTALLY] AND [RACE] IN WHICH THEIR VIOLATIONS WERE
 EQUAL PROTECTION CLAUSE

51
36. DEFENDANT [#17] HAD FAILED TO PROPERLY TRAIN AND MANAGE
HIS CORRECTION OFFICERS AND FAILURE TO ADEQUATELY SUPERVISE AND PROTECT
PLAINTIFF FROM THE ACTS COMPLAINED OF CAUSED THE DEPRIVATION
OF PLAINTIFF'S RIGHTS.

VII. PRAYER FOR RELIEF

52
37. PLAINTIFF IS SEEKING COMPENSATORY DAMAGES IN THE AMOUNT OF
\$300,000,000.00, THREE HUNDRED MILLION DOLLARS, AS A RESULT OF
DEFENDANT'S INTENTION TO CAUSE ^{PHYSICAL} ~~MENTAL~~ HARM AND CAUSE ACTUAL INJURY'S.

53
38. PLAINTIFF IS SEEKING PUNITIVE DAMAGES IN THE AMOUNT OF \$600,000.00
SIX HUNDRED DOLLARS, FROM EACH DEFENDANT'S UNLAWFUL BEHAVIOR TO
CAUSE HARM TO PLAINTIFF WITH NO LEGITIMATE REASON ACTING WITH RECKLESS-
NESS AND DEBITFULNESS WITH A WILLFULNESS TO DISREGARD PLAINTIFF RIGHTS.

54
39. DISCRETION DAMAGES AS A RESULT OF PAIN AND SUFFERING AND MENTAL
ANGUISH.

55
40. PLAINTIFF IS SEEKING FUTURE DAMAGE IN THE AMOUNT OF \$60,000,000.00
SIXTHY MILLION DOLLARS, DUE TO INJURY'S THAT PROJECT AND WILL EFFECTS
PLAINTIFF REDUCING PLAINTIFF ABILITY TO FUNCTION.

56
41. PLAINTIFF IS SEEKING TREBLE AS WELL AS HEDONIC DAMAGES.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of July, 2014.

Signature of Plaintiff

Elisah Skates

Inmate Number

ELISAH SKATES 12A0351

Institution Address

GREAT MEADOW C/F

P.O. Box 51

CON STOCK

Ny 12821-0051

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 22 day of July, 2014, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Elisah Skates

ELISAH SKATES PRO-SE